

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Land and Water Quality
17 State House Station
Augusta, ME 04333

FOR DEP USE
AIS # L-_____
Date Received: _____

**PETITION FOR RELEASE FROM DAM OWNERSHIP
OR WATER LEVEL MAINTENANCE**

PLEASE TYPE OR PRINT

The undersigned hereby petitions the Department of Environmental Protection for release from dam ownership or water level maintenance for the dam described below.

LOCATION OF DAM:- STREET ADDRESS: _____

- TOWN(S) : _____

- COUNTY(IES) _____

NAME OF IMPOUNDED WATER BODY: _____

NAME OF DAM OWNER: _____

ADDRESS OF DAM OWNER: _____

TELEPHONE NUMBER OF DAM OWNER: _____

The undersigned hereby represents and avers that he/she or the organization represented is the owner of the dam described above.

CERTIFICATION OF FILING

By signing below, the petitioner or authorized agent certifies that this petition and all accompanying materials are complete and accurate to the best of his/her knowledge, and further certifies that he/she has complied with the public notice requirements of 38 MRSA § 901(2) & (3).

DATE: _____

SIGNATURE OF PETITIONER

(IF SIGNATURE IS OTHER THAN
PETITIONER, ATTACH LETTER OF
AGENT AUTHORIZATION)

PRINTED NAME OF PETITIONER

TITLE

**PETITION FOR RELEASE FROM DAM OWNERSHIP
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GENERAL INFORMATION AND PROCEDURES

1. By filing this petition, a dam owner is initiating proceedings to be released from dam ownership or water level maintenance. This process is governed by the provisions of 38 MRSA §§ 901-908, a copy of which is attached.
2. Within 15 days of receiving a petition, the DEP will determine whether the petition complies with the provisions of 38 MRSA § 901. If the petition does not comply, it will be returned.
3. After filing a petition, a dam owner must consult with the persons and entities listed in 38 MRSA § 902(3) to determine whether any of them wish to assume ownership of the dam. See 38 MRSA § 902(1) for information on consultation requirements.
4. Within 60 days after being notified in accordance with 38 MRSA § 901, the municipal legislative body or county commissioners of any municipality or county, as appropriate, in which the dam or impoundment is located must hold a public meeting to consider and act on the issue of dam ownership. See 38 MRSA § 908.
5. Within 180 days of filing a petition, a dam owner must either withdraw the petition or file a report with DEP fulfilling the requirements of 38 MRSA § 902(4) and § 902(4-A). At the request of the dam owner or a qualifying municipality, the reporting deadline will be extended for additional 180 days. See 38 MRSA § 902(1-A).
6. After reviewing the report, the DEP will either accept or reject the report, or allow the dam owner a reasonable period of time to correct any deficiencies in the report. See 38 MRSA § 902(5).
7. If a new owner was not found during the consultation process and the dam owner's petition has been accepted, the DEP will notify the Department of Inland Fisheries and Wildlife, the Department of Conservation, and the Maine Emergency Management Agency to begin the process of evaluating the public value of the dam. If any one of these agencies determines that the best interest of the public requires it to assume ownership of the dam, it must do so. See 38 MRSA § 903.
8. If none of the identified state agencies assumes ownership of the dam, the DEP shall, after public notice, issue an order requiring the dam owner to release water from the dam in a manner that minimizes the impact of the release, including requirements for mitigation where appropriate. See 38 MRSA § 904 & 905.
9. A dam owner is not prohibited from requesting that compensation be paid for any transfer of dam ownership. However, if the request for compensation prevents the transfer of the dam to a willing new owner, then the current owner is not entitled to receive a dam release order. See 38 MRSA § 906(1).
10. In transferring ownership of a dam under the petition process, the owner shall transfer all property rights necessary to maintain and operate the dam, to the extent held by the dam owner, including title to the dam and the land under the dam, title to equipment and other personal property

normally located at the dam site, flowage rights and access rights. See 38 MRSA § 906(2).

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REQUIRED INFORMATION

The following information must be filed with this petition or the petition will be returned as incomplete.

1. **MAP OF DAM LOCATION.** Provide a map showing the location of the dam and all impounded waters.
2. **PLAN OF DAM.** Provide a plan of the dam, to scale if possible, showing the design and dimensions of the dam. The plan should include any gates, embankments, or other structures that are part of the dam or are necessary for the maintenance and operation of the dam.
3. **DESCRIPTION OF DAM AND OPERATION.** Provide a description of the physical condition of the dam and how the dam has been operated over the past five or more years.
4. **NOTICE OF INTENT TO FILE.** Provide a copy of a completed Notice of Intent to File (a notice form is attached for your use).
5. **PUBLIC NOTICE.** By signing this petition, the petitioner or authorized agent certifies that he or she has:
 - A. Published a completed Notice of Intent to File at least once in a newspaper circulated in the area in which the dam and impoundment are located within 30 days prior to the filing of the petition.
 - B. Sent a copy of a completed Notice of Intent to File by first class mail to all persons who own property abutting the dam site, the impoundment, or the waterway immediately downstream from the dam.
 - C. Sent a copy of a completed Notice of Intent to File by certified mail to:
 - The Commissioner of Inland Fisheries and Wildlife, 41 State House Station, Augusta, ME 04333. (207-287-5202)
 - The Commissioner of Conservation, 22 State House Station, Augusta, ME 04333. (207-287-2211)
 - The Director of the Maine Emergency Management Agency, 72 State House Station, Augusta, ME 04333. (207-287-4080)
 - Representatives of the tribal governments of any of the following Indian tribes or nations in whose territory a dam or impoundment is located:
 - Governor and Tribal Council, Passamaquoddy Tribe/Pleasant Point, PO Box 343, Perry, ME 04667. (207-853-2600)

- Governor and Tribal Council, Passamaquoddy Tribe/Indian Township,
PO Box 301, Princeton, ME 04668. (207-796-2301)
- Governor and Tribal Council, Penobscot Indian Nation, Indian
Island/6 River Road, Old Town, ME 04468. (207-827-7776)
- Tribal Chief and Tribal Council, Aroostook Band of Micmac Indians,
531 D Street, Presque Isle, ME 04769. (207-764-1972)
- Tribal Chief and Tribal Council, Houlton Band of Maliseet Indians,
RR#3 Box 459, Houlton, ME 04730. (207-532-4273)

NOTICE OF INTENT TO FILE

**PETITION FOR RELEASE FROM DAM OWNERSHIP
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Please take notice that _____
(Name of Dam Owner)

of _____
(Mailing Address)

is intending to file a petition with the Maine Department of Environmental
Protection for release from dam ownership or water level maintenance under the
provisions of Title 38, Maine Revised Statutes Annotated, Sections 901 to 908.

The petition pertains to the dam impounding _____
(Name of impounded water body)

and located at _____
(Street Address of Dam)

in the town/city/unorganized township of _____

in _____ County.

The petition will be filed on or about _____
(Anticipated filing date)

and will be available for public inspection at the DEP's offices in Augusta
during normal working hours.

In the event that a new owner is not found for the dam, the DEP will issue an
order requiring the dam owner to release the water from the dam.

A dam owner is not prohibited from requesting compensation for the transfer of

the dam to a new owner. However, the DEP will not issue a water release order to a dam owner who has refused to transfer the dam to a person willing to assume ownership because that person refused to compensate the dam owner for the property.

(THIS FORM MAY BE REPRODUCED AS NECESSARY)